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Report of the Working Group on the Universal Periodic Review*

Papua New Guinea

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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List of recommendations examined by Papua New Guinea along with the position taken

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Notes

[1] PNG will ratify all core human rights treaties; however it will be pursued on the basis of priorities, taking into account capacity and resource constraints in fulfilling obligations stipulated therein.

[2] PNG has already ratified Convention on the Rights of Persons with Disabilities and PNG is in the process of ratifying Convention Against Torture.

[3] Death Penalty is in our national law, however despite this, the current Government directive is not to implement until further directions are issued.

[4] Refer to notes under 104.3.

[5] PNG is in the process of ratifying the Convention Against Torture.

[6] PNG will ratify all core human rights treaties; however it will be pursued on the basis of priorities, taking into account capacity and resource constraints in fulfilling obligations stipulated therein. In relation to Convention Against Torture, PNG is in the process of ratifying it.

[7] PNG is already in the process of ratifying Convention Against Torture and in terms of ratification of other human rights instruments; this will be pursued on the basis of priorities, taking into account capacity and resource constraints in fulfilling obligations stipulated therein.

[8] Refer to notes under 104.5.

[9] PNG ratifies on the basis of priorities and therefore will ratify the Convention Against Torture first

before its Optional Protocol.

[10] Refer to notes under 104.12.

[11] This is currently not an issue in PNG.

[12] There are laws already in PNG that criminalize sale of children, child prostitution and child pornography.

[13] PNG intends to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, given the increasing labour mobility globally and to ensure its citizens are protected from immigration related issues.

[14] PNG is committed to ratifying the core international human rights treaties to uphold its international obligations as a State Party. This will be pursued on the basis of priorities, taking into account capacity and resource constraints in fulfilling obligations stipulated therein.

[15] PNG is yet to fully implement the Convention on the Rights of Persons with Disabilities. The focus is currently on capacity building and technical assistance to comply with its obligations under the Convention on the Rights of Persons with Disabilities.

[16] PNG is already a party to CEDAW.

[17] The Government is committed to ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.

[18] In terms of ratification of other human rights instruments: this will be pursued on the basis of priorities, taking into account capacity and resource constraints in fulfilling obligations stipulated therein.

[19] Refer to notes under 104.22.

[20] PNG will ratify Human Rights Convention's on the basis of priority considering the human rights issues faced and the unfamiliarity of the instrument which remains a challenge in the country.

[21] Considering the capacity faced in the implementation and reporting of ICESCR, the government will ratify on the basis of priority.

[22] PNG is working towards ratifying the International Labour Organization Convention No.189 concerning Decent Work for Domestic Workers.

[23] The PNG Government will ratify on the basis of priority.

[24] In strengthening the legal framework, PNG has developed the Gender-Based Violence National Strategy (2015–2025) as a measure to institutionalize and enhance all initiatives and efforts against Gender Based Violence in a comprehensive and effective way for the attainment of the ultimate objective of zero-tolerance of Gender Based Violence in PNG.

[25] PNG is implementing the Criminal Code provisions and conducting awareness to facilitate the implementation of the law.

[26] PNG is in the process of ratifying the Convention Against Torture. Furthermore, in the Constitution of PNG torture is prohibited.

[27] Penalization of sexual harassment is provided for under the ***Family Protection Act***.

[28] PNG is committed and is in the process of establishing a Human Rights Commission in accordance with the Paris Principles.

[29] The Government is committed to supporting the work of the Ombudsman Commission; however, there are challenges in the effective implementation of the responsibilities of the Ombudsman Commission.

[30] The law enforcement agencies in PNG already have mechanisms relating to victims and witness protection which is achieved through partnerships with NGOs.

[31] The priorities of the Government have been supported through National policies such as the MTDP's which supports and encourages the increase participation of citizen through businesses through SME's Education ,Health and the establishment of the National service delivery framework. The NSDF will be linked and have prominence given the planning and responsibility Act which will now tie the annual budgets to the MTDP's. MTDP2 supports Procurement reforms; Public Sector reforms which should change the way GoPNG do business in delivering to its people. As such, DNPM agrees to this recommendation.

[32] Education and access to education, especially the rural areas of PNG, is a priority for the Government.

[33] The Government has developed Gender Equality and Social Inclusion Policy, and the National Strategy to Prevent and Respond to Gender Based Violence and the National Policy for Women and Gender Equality. These Policies are currently being implemented.

[34] The Government, with support from Civil Society, is committed to addressing child commercial sexual exploitation. The Government has developed an Action Plan to implement the various policies and programmes on child commercial sexual exploitation. Programs relate to social protection, free education, access to health and safety. However, there is still a need for intense awareness and resources to promote and advance this issue in the country.

[35] The PNG ***Constitution*** recognises our customs and traditional norms and the ***Underlying Law Act 2000*** provides that customary law is recognized as part of our underlying laws except to the extent where it is repugnant to the general principles of humanity.

[36] The government is committed to Racial Discrimination however Racial Discrimination is not a major concern in the country therefore the implementation of CERD has not been done in expected time hence the delay in providing the reports. However, the government will provide and formulate appropriate policy frameworks and mechanisms as and when the need arises.

[37] PNG is working toward strengthening its national mechanism and building its capacity in fulfilling its reporting obligations.

[38] The Government is committed to developing a Core Common Document but will require technical assistance to do so.

[39] The Government is committed to fulfilling its Treaty Reporting obligations. However, there is still a need to build the capacity within Government through technical assistance for the preparation of State Reports.

[40] The PNG **Constitution** provides that citizens are equal regardless of race, tribe, place of origin, political opinion, colour, creed, religion or gender.

[41] Government Policies relating to women issues have a component of comprehensive awareness raising as part of its strategy.

[42] Government has undertaken a review of all its laws to ensure compliance with CEDAW and recommendations have been made to amend and repeal where relevant.

[43] Government is committed to improving gender equality through the various Policies it has developed and the review of laws to be compliant with CEDAW.

[44] PNG laws already support equal participation of women in politics and public life.

[45] To improve participation of women in Parliament, there is work undertaken to encourage political parties to nominate and endorse women candidates. At the provincial and local levels of Government, it is already a requirement of the law to have women representation within those levels of Government.

[46] PNG laws already provide for equality of its citizens regardless of gender, and there is existing Government Policy promoting gender equality in all aspects of public life which is currently implemented by the Government.

[47] PNG laws already provide for equality of its citizens to participate in politics, regardless of gender.

[48] PNG is already implementing Free Tuition Fee Policy for the primary education to encourage boys and girls to have access to education from the national level down to the rural areas.

[49] The Government has developed policies and programmes addressing discrimination and achieving gender equality including promotion of higher education and decision making positions for women. The National Public Service Gender Equity and Social Inclusion (GESI) Policy sets the framework for promotion of gender equity and social inclusion practices across the National Public Service and the Private sector; the Industrial Relations Bill, Employment Relation Bill and the Occupational & Health Bill are guided by the (National Policy for Women and Gender Equity 2011-2015).

[50] Government has already embarked on awareness raising campaigns focusing on women's rights in the country.

[51] This is an ongoing priority of Government through its various policies and programmes.

[52] Government has already taken steps to improve the registration system for the availability of use of vital data and statistics for planning and development purposes through its National Identification Program, reform and review of the National Statistics Office and its enabling law and the PNG National Strategy for Development of Statistics.

[53] LGBT is currently not a priority of the Government.

[54] Refer to notes under 104.3.

[55] The Government is aware of the UN Standard Minimum Rules of the Treatment of Prisoners; however, there are challenges to meeting the international standards.

[56] The Government has already enacted laws and developed polices and strategies relating to Gender

Based Violence and priority is now on implementation and enforcement of these laws and policies.

[57] The Government has developed appropriate legislations and policies for the protection of women and girls from all forms of violence. These laws and policies are being implemented by the relevant government agencies. For example, under the *Marriage Act* and the *Lukautim Pikinini Act*, the marriageable age of a female child has been increased 16 to 18 years old.

[58] Government is working toward enactment of a Gender Equity law, and in terms of Gender Based Violence, Government has already enacted laws and developed policies to address this issue.

[59] Government is committed to addressing Gender Based Violence, through its National Gender Based Violence Strategy; however, there are challenges in terms of implementation.

[60] The Family Protection Act and the National GBV Strategy including other family laws currently under review are responses to the recommendation by the Special Rapporteur on Violence Against Women.

[61] Refer to notes under 104.99. In relation to sorcery the Government is also committed to this and has developed a National Action Plan to address sorcery related violence.

[62] The Government has developed legislations, policies and programmes that are inclusive of marginalized women. Efforts are also being taken to empower marginalized women in the rural areas of PNG.

[63] Refer to notes under 104.99–104.101.

[64] Increasing human and financial investments to support effective implementation of national policies addressing women, gender equality and child protection are priorities for the government under Vision 2050 Roadmap, The National Strategy for Responsible Sustainable Development (STARs) for Papua New Guinea, PNG Women in Business and SME Policy encouraging women and youths to engage in economic activities.

[65] Refer to notes under 104.99.

[66] Corporal punishment has been outlawed in PNG. The review of the laws also caters of the family, inclusive of children such as the ***Lukautim Pikinini Act*** and the Family Protection Act. Implementation, budgetary and political support still remains a challenge.

[67] Under the National GBV Strategy the Government is committed to establish institutions to accommodate for survivors of GBV in the country. Currently, the Government in partnership with NGO's and Churches provide safe houses for survivors.

[68] Refer to notes under 104.99.

[69] The implementation of the Family Protection Act will be done when approval has been given on the regulations which are currently before the cabinet.

[70] The Government is committed to addressing sorcery related violence through the National Action Plan on Sorcery.

[71] Refer to note under 104.133.

[72] Measures are being taken by Law Enforcement agencies to prosecute perpetrators on criminal grounds and FSVU's are established in Police Stations to deal with specifically with gender based violence issues. The National GBV strategy is the Government's response to provide assistance and protection programs for survivors and perpetrators.

[73] Steps have been undertaken by the Government in implementing the Family Protection Act in training and promoting advocacy on the Act.

[74] The GBV Strategy accommodates for access to support center, psycho-social and legal service. Village Court magistrates have also been trained to attend to issues of domestic violence in rural areas. Efforts are being made by the Government to ensure rural areas have access to these services. Refer to notes under 104.115.

[75] In early 2015 the National Department of Education adopted the out of school Children Initiative, with the support of UNICEF and UNESCO to ensure all children especially the marginalized, realize their right to education. This initiative is addressing disparities in access and participation, gender discrimination, conflict and poverty.
Better statistics and innovative tools are needed to ensure government funding for education is implemented effectively in addressing such issues in schools.

[76] The Government through the GVB Strategy and the National Action Plan on Sorcery is committed to addressing domestic violence and violence related to sorcery; however challenges in terms of funding and capacity building deter the full implementation of the strategies.

[77] Continuous collaboration with the relevant stakeholders including the United Nations is in existence

to combat gender based violence and sorcery related violence. Sectorial agencies are aware of their mandated responsibilities and have in place sectorial responses, for example Family Sexual Violence Units at Police Stations and Family Support Centers in the General Hospitals.

[78] Refer to notes under 104.118.

[79] The Government will ratify on the basis of priority considering the constraints faced in National Institutions and processes at the national level. On that note, child prostitution and pornography are criminalized in PNG, and the Courts have taken an active role in addressing this issue.

[80] The ***Lukautim Pikinini Act*** including the ***Family Protection Act*** provides for the protection of the child.

[81] The Government, in partnership with the United Nations, has ensured the transitional process in Bougainville to Autonomous status is without human rights violations under the Peace Agreement.

[82] The Government is committed to addressing all complaints of torture and other human rights violations through the current institutional framework (law enforcement agencies).

[83] The Government has stepped up its efforts to increase the capacity of the police force and to train police personnel on human rights. Efforts are being made by the Police to address abuse and use of excessive force by police.

[84] The Government, in partnership with the Ombudsman Commission, the International Committee of the Red Cross (ICRC), and the United Nations, is continuing its efforts to train law enforcement officers (police) on human rights.

[85] The Government acknowledges the need to address this major issue which remains a challenge due to the lack of coordination and political will.

[86] Refer to notes under 104.115–104.121.

[87] The Security (Protection) Industry Act 2004 provides provisions for private security firms to be accountability. A coordinated and clearly defined National Agency is paramount to address private security firms.

[88] All complaints of violence perpetrated by security forces are dealt as criminal matters however the geographical challenges poses challenges to people living in rural areas to have access to justice.

[89] The Government has complied with the Supreme Court's decision and ceased detention of asylum seekers.

[90] The Government is committed to facilitating training on human rights for law enforcement officials, including measures taken to address human rights violations by law enforcement officials.

[91] There are ongoing efforts by the Government towards the training of public servants on human rights responsibilities and obligations.

[92] The Government has responded by delivering a Water, Sanitation and Hygiene (WaSH) Policy to improve access to water and sanitation services and to change PNG hygiene behavior especially in rural and peri-urban settlement areas. The issue of water access has also been supported in the Medium Term Development Plans (MTDP) and in the National Strategy for Sustainable Development for Papua New Guinea (STaRs) which offers a new development paradigm focusing on PNG's strategic asset.

[93] This is a priority of the government which is been supported under the newborn care and the integrated management of childhood illnesses (IMCI) in partnership with development partners including WHO.

[94] The government is aware of this issue and efforts are still been made to address and contain HIV/AIDs at all levels throughout the country.

[95] There is a continuous effort made by the Government to provide free Anti Retro-viral (ARV) medication for people living with HIV/AIDs. There is also ongoing assistance from international and regional partners.

[96] The Government is committed to providing basic services through the Medium Term Develop Plan 2 (MTDP2). Health, education and law & order are part of the priority sectors of the Government. The planning and monitoring responsibly act ties the national budget to the national plans and provides the legislative basis for service delivery requirements. It also sets the minimum level of service delivery or outputs expected from government agencies and departments.

[97] The mental Health Policy of 2015 has not been fully implemented as a result of the capacity constraints.

[98] Access to healthcare and awareness on reproductive health for women, children, youth and migrants &asylum is supported and promoted at all levels in the country with the support of development

partners and NGOs.

For asylum seekers and refugees the government has provided adequate mental health services in the country.

99 Education is a priority for the government and efforts have been made for programmes to accommodate community life skills, learning in local vernacular and communities to participate in their children's learning. The issue of accessibility to schools is an on-going challenge in PNG, given its widely dispersed communities and geographical challenge.

100 Refer to notes under 104.115–104.121.

101 Although the Government faces challenges in terms of capacity and resources, it is committed in its efforts to achieve its goals of universal education, gender empowerment and free education.

102 National Policy on Disability 2015-2025 in place – focuses on advocacy and service delivery. Community-based rehabilitation centres have been established and training on data collection to commence the development of the database system is ongoing to guide planning and provision of services for persons living with disability.

103 There are existing legal frameworks in place which provides for close consultation with indigenous people in relation to any issues that may affect them.

104 The government is taking steps to review the Forestry and Land-use sectors law and policy to address this issue which occurred as a result of the absence of Agriculture Act and Legislation. This matter has been identified and national consultations are been done to review, assess and strengthen the framework for forestry, environment, and land-use sector law & policy regulatory framework.

105 In effectively undertaking government priorities and projects such as REDD +policies on climate change the government is aware of the need to address institutional challenges relating to forest governance, cross sectoral coordination and involvement of landowners in decision making. These are important to promoting fundamental human rights and environmental protection.

106 Legislative reviews have been undertaken and laws now provide for effective oversight of large scale projects to comply with environmental standards.

107 There is ongoing work to implement Government policies for the protection and conservation of the environment.

108 The government has developed frameworks as a response to the oversight of extractive and logging industries in combating adverse human rights effects and negative impacts on the environment. The Forestry Act and its Regulations have penal provisions to address and monitor the timber industry in PNG. However, prevailing challenges still remain in addressing this issue effectively.

109 Refer to notes under 104.140 and 104.144.

Although the Government faces challenges in terms of capacity and resources, it is an ongoing effort of the Government to address these issues.

110 The PNG government has legal framework in place addressing the rights of migrants and asylum seekers which have been developed in compliance with the UNHCR manual, the refugee determination process and the deportation risk assessment guidelines are in place to underscore the government's commitment.

111 Under the Treaty of Mutual Respect and Cooperation PNG and Indonesia have strengthened cooperation at the Border to control of movement of border crossers by reinforcing administration and border arrangements. The PNG Government is working very closely with the Indonesian government to address this concern.

112 Refer to notes under 104.137.

The Government is continuing efforts to safeguard the human rights of refugees and asylum seekers in PNG in compliance with international norms.